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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,800	12/20/2004	Christopher Ledger	102792-383	3625
27380	7590	12/15/2008		
NORRIS, MCLAUGHLIN & MARCUS			EXAMINER	
875 THIRD AVE			WOOD, ELLEN S	
18TH FLOOR				
NEW YORK, NY 10022			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			12/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,800

Applicant(s)

LEDGER ET AL.

Examiner

ELLEN S. WOOD

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghodoussi et al. (US 6,669,763, hereinafter "Ghodoussi") in view of Leacock et al. (EP 0392316, hereinafter "Leacock").

Ghodoussi discloses a composition that can be applied to multiple surfaces including wood (col. 3 lines 11-14). The composition comprises at least one wax, at least one surfactant, and between 40% to 99.8% water (col. 4 lines 58-61). The wax component can be paraffin wax (col. 6 lines 33-36). The total wax present can vary from 0.01% to 50% of the total weight of the composition (col. 5 lines 66-67), but preferably from 0.01% to 10% of the total weight of the composition (col. 6 lines 1-2). The emulsion contains levels of silicon in the levels of 0% to 5% of the total weight of the composition (col. 6 lines 14-20). Ghodoussi discloses that the nonionic surfactants can be alkyl alcohols having 4 to 20 carbon atoms (col. 8 lines 1-7).

Ghodoussi is silent with regards to the cleaning composition being disposed on a sheet material.

Leacock discloses a wiper for one step polishing and protecting of a hard surface such as wood (abstract). The wipe comprises a non-woven substrate impregnated with

a liquid polish composition (abstract). The wipe comprises a suitable non-woven material having good wet strength and fluid absorbency (pg. 3 line 24). The amount of liquid composition loaded onto the wipe is within the range of instant applicant (examples 1-6). The composition is loaded onto the substrate by procedures well known in the art such as by spraying or immersion (pg 6 lines 32-36). The sheets should be packaged in a manner, which will maintain them in a moist condition. They may be individually packaged in moisture impervious envelopes or packaged in bulk form in canisters provided with suitable dispensing openings (pg. lines 14-19). Leacock gives reference to U.S. Pat. No. 4,017,002, which discloses an airtight container for an elongated web of perforated wet impregnated tissue-like material, the web being free-flowing, having a minimum friction within the container and provides a removable cap adapted to form a tight fit with the container (pg. 6 line 19).

It would be obvious to one of ordinary skill in the art at the time of the invention that a cleaning wipe could be formed using the same impregnation techniques but with various types of cleaning compositions. Therefore, it would be obvious to combine the cleaning composition of Ghodoussi with the method of production of Leacock to form a wipe that provides a layer that is water-resistant to reduce the formation of water stains on wood surfaces in an affordable and convenient fashion such as a disposable wet wipe (Ghodoussi col. 3 lines 6-10).

Response to Arguments

3. Applicant's arguments filed 09/16/2008 have been fully considered but they are not persuasive.

The applicant argues that the composition of Ghodoussi comprises a surfactant wherein the liquid composition of the applicant does not use a surfactant. The claim language states "*an aqueous emulsion comprising*". The term "*comprising*" is an open ended transitional term and does not exclude additional, unrecited elements. Thus, the use of a surfactant in Ghodoussi does not make the reference improper and can be used to read on the composition.

The applicant argues that the composition of Leacock discloses wipes comprising high amounts of silicone and there is no suggestion that Leacock would lower the amounts in the composition. The Leacock reference is used to teach that it is known to one of ordinary skill in the art to use a cleaning composition on a pre-moistened wipe. The reference is not cited to read on the applicants cleaning composition but merely to demonstrate that it is known how to apply cleaning composition onto a web material to form a pre-moistened wipe. Thus, the examiner asserts that the combination provides an obvious rejection on the claimed cleaning wipe of the applicant.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLEN S. WOOD whose telephone number is (571)270-3450. The examiner can normally be reached on M-F 730-5 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 1794